

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

Claims 1-19 (cancelled)

20. (New) An implant for use in a surgical procedure, said implant comprising a metal substrate and a surface layer integral with said metal substrate, said surface layer comprising an anodized layer grown from the metal of said metal substrate by anodizing, said surface layer incorporating a biocidal metal in an ionic form, the biocidal metal ions being adsorbed into said surface layer by ion exchange.

21. (New) An implant as claimed in claim 20 wherein said surface layer comprises a metal phosphate.

22. (New) An implant as claimed in claim 20 wherein said biocidal metal ions are silver ions.

23. (New) An implant as claimed in claim 20 wherein the surface of said implant is in a highly polished condition before provision of said surface layer.

24. (New) An implant as claimed in claim 21 wherein said biocidal metal ions are silver ions.

25. (New) An implant as claimed in claim 21 wherein the surface of said implant is in a highly polished condition before

Inventor: PICKFORD ET AL
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Examiner: Thomas C. Barrett
Group Art Unit: 3738

provision of said surface layer.

26. (New) An implant for use in a surgical procedure, said implant comprising a metal substrate and a surface layer integral with said metal substrate, said surface layer comprising an anodized layer containing material selected from the group consisting of oxide, phosphate, or combinations thereof and being grown from the metal of said metal substrate by anodizing, wherein said anodized layer incorporates a biocidal metal adsorbed by ion exchange into said surface layer.

27. (New) An implant as claimed in claim 26 wherein said surface layer comprises a metal phosphate.

28. (New) An implant as claimed in claim 26 wherein said biocidal metal ions are silver ions.

29. (New) An implant as claimed in claim 26 wherein the surface of said implant is in a highly polished condition before provision of said surface layer.

30. (New) An implant as claimed in claim 27 wherein said biocidal metal ions are silver ions.

31. (New) An implant as claimed in claim 27 wherein the surface of said implant is in a highly polished condition before provision of said surface layer.

32. (New) An implant for use in a surgical procedure, said implant comprising a metal substrate and a surface layer integral with said metal substrate, said surface layer comprising a

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material selected from the group consisting of oxide, phosphate or combinations thereof, said surface layer further comprising an anodized layer grown from the metal of said metal substrate by anodizing and incorporating therein a biocidal metal adsorbed by ion exchange into said surface layer.

33. (New) An implant as claimed in claim 32 wherein said surface layer comprises a metal phosphate.

34. (New) An implant as claimed in claim 32 wherein said biocidal metal ions are silver ions.

35. (New) An implant as claimed in claim 32 wherein the surface of said implant is in a highly polished condition before provision of said surface layer.

36. (New) An implant as claimed in claim 33 wherein said biocidal metal ions are silver ions.

37. (New) An implant as claimed in claim 33 wherein the surface of said implant is in a highly polished condition before provision of said surface layer.